

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

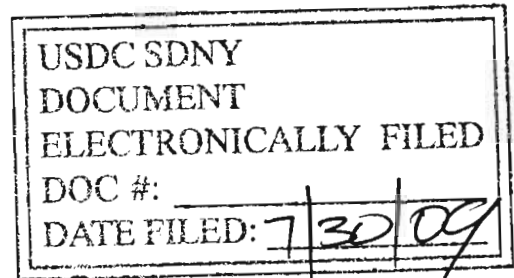
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RAUF ASHRAF,

Defendant-Appellant,

-v-

ALAN NISSELSOON, as Chapter 11  
Trustee of MarketXT Holdings Corp.,  
and the Official Committee of  
Unsecured Creditors,

Plaintiffs-Appellees.  
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08 Civ. 6937 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On September 24, 2008, the Honorable Frank Maas, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court dismiss the defendant-appellant's appeal of the Bankruptcy Court's November 14, 2007 order denying on the grounds of untimeliness, the defendant-appellant's motion to invade restrained funds.

Neither party has filed any objection to the Report, and, for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, dismisses the appeal. The Clerk is directed to enter judgment.

SO ORDERED.

Dated: New York, NY  
July 28, 2009

  
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JED S. RAKOFF, U.S.D.J.